



STATE OF FLORIDA

## DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

March 29, 2010

The Honorable Paul Vrooman, Mayor  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

Dear Mayor Vrooman:

The Department of Community Affairs has completed its review of the Town of Cutler Bay Comprehensive Plan Amendment (DCA Number 10-CIE1) adopted by Ordinance Number 10-01 on January 20, 2010 and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the Comprehensive Plan Amendment in compliance. The Notice of Intent has been sent to the *Miami Herald* for publication on March 30, 2010.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within five (5) days after receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted Town of Cutler Bay Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours at the Cutler Bay Town Hall, 10720 Caribbean Boulevard, Suite 105, Cutler Bay, Florida 33189.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

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The Department recommends the following two comments which the Town should address at the time of the next annual update to the Capital Improvements Element.

- Page 8 of the Capital Improvements Element states that there are no capital improvements projects programmed in the Miami Dade County School Board's District Facilities Work Plan dated September 2009. According to the Florida Department of Education, the Miami Dade County School Board's 2009-10 through 2013-14 District Facilities Work Plan identified 10 capacity enhancement projects in the 2009-10 period. The Capital Improvements Element and the Public Education Element data and analysis should be revised to be consistent with the Miami Dade County School Board's District Facilities Work Plan or revise the Capital Improvements Element and the Educational Facilities Element to incorporate by reference, the data and analysis from the Miami Dade County School Board's District Facilities Work Plan. Include the title, date and author of the Work Plan.
- In the Educational Facilities Element, Policy EDU-2F has been revised to say: *The Miami-Dade County Public School Facilities Work Program dated September 2009, will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.* Policy EDU-2F as revised appears to indicate that the Town will annually evaluate the 2009 District Facilities Work Plan in future years rather than incorporate each annual update to the School Board's District Facilities Work Plan into the Town's Comprehensive Plan. The Town should revise Policy EDU-2F to clarify that the Town will annually adopt by reference the District Facilities Work Plan by title, author and date/edition of the document.

If you have any questions, please contact Sevini Guffey, AICP, Community Planner, at [sevini.guffey@dca.state.fl.us](mailto:sevini.guffey@dca.state.fl.us) or at (850) 922-5315.

Sincerely,



Mike McDaniel, Chief  
Office of Comprehensive Planning

MDM/skg

Enclosures: Notice of Intent

cc: Mr. David Hennis, AICP, Director of Community Development, Town of Cutler Bay  
Ms. Carolyn Dekle, AICP, Executive Director, South Florida Regional Planning Council  
Mr. Joseph Corradino, AICP, Consultant, The Corradino Group

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND THE  
TOWN OF CUTLER BAY  
COMPREHENSIVE PLAN AMENDMENT(S) IN COMPLIANCE  
DOCKET NO. 10-CIE1-NOI-1336-(A)-(I)

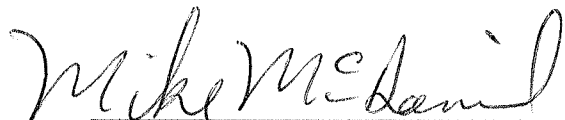
The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for the Town of Cutler Bay, adopted by Ordinance No. 10-01 on January 20, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Town of Cutler Bay Comprehensive Plan Amendment(s) and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Town of Cutler Bay Town Hall, 10720 Caribbean Boulevard, Suite 105, Cutler Bay, Florida 33189.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment(s) to the Town of Cutler Bay Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief  
Office of Comprehensive Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100